

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0055/P2dn
EVM:sbb&wlj:jf

November 8, 2010

ATTN: Paul Nilsen

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are a few issues you may wish to consider in your review of this draft.

1. The primary change in this draft is the revision of s. 346.48 (2) (a), stats., to provide separate signaling procedures for buses depending upon whether they are equipped with only red warning lights or both red and amber warning lights. Please review this section to ensure it meets your intent.
2. The distance at which a driver must activate the amber warning lights under s. 346.48 (2) (a) 2., as created by this draft, is at least 100 feet before stopping, i.e. the distance at which a school bus driver must currently activate the red warning lights. Please let me know if you would like to specify a different distance. As a note, the at least 100 feet before stopping standard is shorter than the standard provided in most cases by adjoining states. Compare 625 Ill. Comp. Stat. 5/11-1414 (100 ft. in an urban area, 200 ft. in a rural area), Iowa Code s. 321.372 (300-500 ft. in a 45 mph or more zone, 150 ft. in a less than 45 mph zone), Mich. Comp. Laws s. 257.1855 (200 ft.), and Minn. Stat. s. 169.443 (100 ft. in a 35 mph or less zone, 300 ft. in a more than 35 mph zone).
3. I have not specified rules regarding driver conduct in relation to a school bus with its amber warning lights activated. In my review of the relevant statutes from adjoining states, there did not appear to be any consistent regulation. I found three limitations on driver conduct that you may wish to consider for this draft: 1) a prohibition on passing on the right (Minn. Stat. s. 169.444); 2) a requirement that a driver slow his or her vehicle to not more than 20 mph (Iowa Code s. 321.372 (3)); and 3) a prohibition on passing the school bus (Iowa Code s. 321.372 (3)). Please let me know if you want any restrictions on driver conduct added to this draft and, if so, the penalty you would like to prescribe for a violation.
4. This draft continues to treat the use of red and amber warning lights in like manner in ss. 343.12 (1) (b), 346.48 (2) (b) (intro.), (bm), and (c) and (3), and 349.21 (1), stats. Additionally, I have removed the treatments of ss. 346.48 (1), 346.51 (1) (a), 346.80 (2) (c), and 349.21 (2), stats., that were contained in the previous draft. These changes reflect my understanding that only the red lights will be used when a school bus is

stopped and loading or unloading pupils. Please let me know if you want any changes to these treatments or non-treatments.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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